HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.15192 of 2007

Date: 10.08.2007

Between :

Saibaba Nagar Plot Owner's Welfare Association.
.....Petitioner

And

The District Registrar and others.

.....Respondents.

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.15192 of 2007

ORDER :

The petitioner is a welfare association of plot owners at Saibaba Nagar, Tellapur Village, Ramachandrapuram Mandal, Medak District. The members of the association were allotted and registered plots by a co-operative Housing Society in the year 1984, out of the land in various sub-divisions of Survey Nos.323, 324 and 325 of Tellapur Village. Some of the members intended to sell the plots. Documents were presented before the 2nd respondent for registration. The latter, in turn, required the members of the petitioner-association to produce No Dues Certificate from the District collector, Medak District, through his letter, dated 14.06.2007. The petitioner challenges the same.

It is contended that the plots, in question, were initially allotted to the freedom fighters and after expiry of 10 years from the date of assignment, the freedom fighters have sold the same to the co-operative housing society. It is stated that as recently as on 09.03.2007, the Tahsildar, Ramachandrapuram Mandal, 3rd respondent

herein had addressed a letter to the District Collector stating that except the land in Survey Nos.333 to 335 of that village, rest of land in Survey Nos.323 to 340, which was initially government land, was allotted to the freedom fighters and ex-servicemen and thereafter, they were alienated in favour of different agencies.

The 2nd respondent filed a counter affidavit, stating that there was contradictory information with him, as regards the nature of land, in question, and in that view of the matter, the impugned letter was issued.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The 2nd respondent possessed information to the effect that the lands in Survey Nos.323 to 340 of Tellapur Village belong to Government and they have been assigned to various individuals. On this basis, he refused to entertain the documents presented by the members of the petitioner-association for registration. Had the lands, in question, continued to retain the character of assigned lands, whose alienation is prohibited under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), there would have been justification for

the 2nd respondent in refusing to entertain the documents for registration. Even from the letter, dated 09.03.2007 addressed by the 3rd respondent, it is evident that except the land in Survey Nos.333 to 335, the rest of the land in Survey Nos.323 to 340, was assigned to freedom fighters and ex-servicemen. The prohibition contained under Section 5 of the Act does not operate vis-à-vis the assignment in favour of the freedom fighters and ex-servicemen. Further, the Government itself issued G.O.Ms.No.1117, dated 11.11.1993, directing that it shall be open to the freedom fighters and ex-servicemen to alienate the lands assigned to them, after expiry of ten years from the date of assignment. Viewed from any angle, the impugned letter cannot be sustained.

Hence, the writ petition is allowed and the second respondent is directed to receive the documents presented by the members of the petitioner-association and process the same, in accordance with law. There shall be no order as to costs.

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10.08.2007

JSU